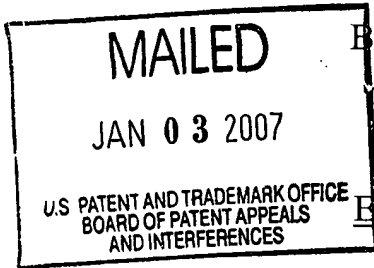


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

_____ Ex parte LI YANG and TOSHIHIRO YOSHIDA

Application No. 09/770,725

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on December 18, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

NEW GROUND OF REJECTION

In the examiner's final rejection of January 14, 2005, the examiner rejected claims 1-17 under 35 U.S.C. § 103(a) as unpatentable over Takami in

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view of Watanabe. However, in the Examiner's Answer of January 19, 2006, the examiner rejected claims 1-17 under 35 U.S.C. § 103(a) as being unpatentable over Takami in view of Watanabe further **in view of Kurose**.

On February 21, 2006, appellants filed a Reply Brief wherein appellants addressed the examiner's new ground of rejection raised in the Examiner's Answer of January 19, 2006. In response, the examiner mailed a Supplemental Examiner's Answer on August 22, 2006, wherein he entered a new ground of rejection of claims 1-17 under 35 U.S.C. § 103(a) as being unpatentable over Takami in view of Watanabe further **in view of Kurose**. It is not clear from the Supplemental Examiner's Answer whether the original rejection over Takami in view of Watanabe has been withdrawn in favor of the new ground of rejection, or whether the rejection of Takami in view of Watanabe is being maintained in addition to the new ground of rejection. Clarification on the written record is required.

Accordingly, it is

ORDERED that the application is returned to the examiner for resolution of the following issues:

(1) to provide written clarification as to whether the rejection of claims 1-17 over Takami in view of Watanabe is maintained, or whether this rejection has been withdrawn in favor of the new ground of rejection of claims 1-17 over Takami in

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view of Watanabe further in view of Kurose;

(2) to provide written notification to appellants clarifying such rejection; and

(3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: *G P Edgell for Dale Shaw*
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